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IN THE

Supreme Court of the United States

OCTOBER TERM, 1943

No. 475.

GEORGIA M. SPRUILL, *Petitioner,*

v.

WILLIAM T. BALLARD, ABRAM R. SERVEN, HARRIET T. SERVEN, et al., *Respondents.*

On Petition for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia.

BRIEF FOR RESPONDENTS IN OPPOSITION.

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Attorney for Respondents.

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Of Counsel.

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Opinion Below.

The opinion of the Court below, dated July 12, 1943, and the Rehearing denial of August 9, 1943, have not yet been printed in the Court reports. A copy of the Opinion of July 12, 1943, is printed in the Appendix hereto.

Jurisdiction.

Section 240 (a) Act of February 13, 1925 (43 Stat. L. 936-938, 939).

Questions Presented.

The Petitioner again alleges fraud on the part of all of the Respondents and their Attorneys, pointing out that this litigation has been continued over a period of thirteen years, and contains references to her several actions heretofore filed and disposed of in the District Court of the United States for the District of Columbia.

Statement.

Petitioner seeks a reversal of the decision of the United States Court of Appeals for the District of Columbia, affirming a judgment of the District Court of the United States for the District of Columbia, denying motions to substitute parties and to reverse the decree of the lower Court ratifying the final account of the Trustee appointed by the Court to sell the real estate involved in this litigation.

No new, or additional, question is presented here not previously fully presented by Petitioner in her many petitions to this Court for certiorari, all of which have been denied, reference being particularly made to *Spruill* v. *Ballard,* et al., 308 U. S. 608, 84 L. ed. 508; *Spruill* v. *Ballard,* etc., 313 U. S. 576, 85 L. ed. 1534, and *Spruill* v. *Ballard,* et al., 314 U. S. 707, 86 L. ed. 564. In the first mentioned case, counsel for Respondent filed a brief setting forth eight causes in this Court wherein Petitioner herein had presented petitions for certiorari, all of which were denied.

Argument.

1. No question of great public concern or importance is involved herein, as the only parties interested are the Petitioner, who is seeking to avoid the payment of her debt for $9,000.00 to one of the Respondents, now deceased. This debt was secured by the deed of trust herein and was bor-

rowed by Petitioner. The only other parties interested herein are the other Respondents.

2. This case presents no conflict of judicial opinion which needs to be reconciled by this Court.

3. This case presents no public or private miscarriage of justice in the lower Courts.

4. All questions involved in this petition for certiorari became *res judicata* when this Court denied Petitioner's former petitions for certiorari, reported in *Georgia M. Spruill* v. *Supreme Court of the District of Columbia,* 293 U. S. 625, 79 L. ed. 712; (64 App. D. C. 63; 74 Fed. (2d) 464); *Spruill* v. *Ballard, et al.,* 296 U. S. 575, 80 L. ed. 406, in addition to *Spruill* v. *Harriet T. Serven,* 302 U. S. 687, 82 L. ed. 530, and *Georgia M. Spruill* v. *Harriet T. Serven* No. 651 and *Spruill* v. *Ballard et al.,* No. 652, 302 U. S. 764, 82 L. ed. 594. No question not previously fully and finally litigated and presented is herein presented, the whole case being a repetition of previous litigation, the same record of several hundred pages here presented being substantially the same as covered in the preceding actions.

Conclusion.

Therefore, it is submitted that the pending petition for certiorari should be denied.

Respectfully submitted,

Ross H. Snyder,
Attorney for Respondents.

Lewis H. Fisher,
Of Counsel.